# Calendar No. 64

107TH CONGRESS 1ST SESSION

S. 509

[Report No. 107-29]

To establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

### IN THE SENATE OF THE UNITED STATES

March 9, 2001

Mr. Murkowski (for himself and Mr. Stevens) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

June 5, 2001

Reported by Mr. Murkowski, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

# A BILL

To establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Kenai Mountains-
- 5 Turnagain Arm National Heritage Area Act of 2001."

# 1 SEC. 2. FINDINGS AND PURPOSES.

2	(a) FINDINGS.—Congress finds that—
3	(1) The Kenai Mountains-Turnagain Arm
4	transportation corridor is a major gateway to Alaska
5	and includes a range of transportation routes used
6	first by indigenous people who were followed by pio-
7	neers who settled the Nation's last frontier;
8	(2) the natural history and scenic splendor of
9	the region are equally outstanding; vistas of nature's
10	power include evidence of earthquake subsidence, re-
11	cent avalanches, retreating glaciers and tidal action
12	along Turnagain Arm, which has the world's second
13	greatest tidal range;
14	(3) the cultural landscape formed by indigenous
15	people and then by settlement, transportation and
16	modern resource development in this rugged and
17	often treacherous natural setting stands as powerful
18	testimony to the human fortitude, perseverance, and
19	resourcefulness that is America's proudest heritage
20	from the people who settled the frontier;
21	(4) there is a national interest in recognizing,
22	preserving, promoting, and interpreting these re-
23	sources;
24	(5) the Kenai Mountains-Turnagain Arm region
25	is geographically and culturally cohesive because it is
26	defined by a corridor of historic routes—trail, water,

- 1 railroad, and roadways through a distinct landscape
  2 of mountains, lakes, and fjords;
  - (6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;
    - (7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;
    - (8) national heritage area designation also provides communities within the region with the motivation and means for "grass roots" regional coordination and partnerships with each other and with borough, State, and Federal agencies; and
    - (9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper

1 Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage 2 3 Historic Properties, the Anchorage Convention and 4 Visitors Bureau, the Cook Inlet Historical Society, 5 the Moose Pass Sportsman's Club, the Alaska His-6 torical Commission, the Girdwood Board of Super-7 visors, the Kenai River Special Management Area 8 Advisory Board, the Bird/Indian Community Coun-9 eil, the Kenai Peninsula Borough Trails Commis-10 sion, the Alaska Division of Parks and Recreation, 11 the Kenai Peninsula Borough, the Kenai Peninsula 12 Tourism Marketing Council, and the Anchorage Mu-13 nicipal Assembly.

## (b) Purposes.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnership among the communities and borough, State, and Federal Government entities.

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## 1 SEC. 3. DEFINITIONS.

2	In this Act:
3	(1) HERITAGE AREA.—The term "Heritage
4	Area" means the Kenai Mountains-Turnagain Arm
5	National Heritage Area established by section 4(a)
6	of this Act.
7	(2) Management entity.—The term "man-
8	agement entity" means the 11 member Board of Di-
9	rectors of the Kenai Mountains-Turnagain Arm Na
10	tional Heritage Corridor Communities Association.
11	(3) Management Plan.—The term "manage-
12	ment plan" means the management plan for the
13	Heritage Area.
14	(4) Secretary.—The term "Secretary" means
15	the Secretary of the Interior.
16	SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL
17	HERITAGE AREA.
18	(a) ESTABLISHMENT.—There is established the
19	Kenai Mountains-Turnagain Arm National Heritage Area
20	(b) Boundaries.—The Heritage Area shall comprise
21	the lands in the Kenai Mountains and upper Turnagain

Arm region generally depicted on the map entitled "Kenai

Peninsula/Turnagain Arm National Heritage Corridor",

numbered "Map #KMTA-1, and dated "August 1999".

The map shall be on file and available for public inspection

26 in the offices of the Alaska Regional Office of the National

- 1 Park Service and in the offices of the Alaska State Herit-
- 2 age Preservation Officer.
- 3 SEC. 5. MANAGEMENT ENTITY.
- 4 (a) The Secretary shall enter into a cooperative
- 5 agreement with the management entity, to carry out the
- 6 purposes of this Act. The cooperative agreement shall in-
- 7 elude information relating to the objectives and manage-
- 8 ment of the Heritage Area, including the following:
- 9 (1) A discussion of the goals and objectives of
- 10 the Heritage Area;
- 11 (2) An explanation of the proposed approach to
- 12 conservation and interpretation of the Heritage
- 13 Area;
- 14 (3) A general outline of the protection meas-
- 15 ures, to which the management entity commits.
- 16 (b) Nothing in this Act authorizes the management
- 17 entity to assume any management authorities or respon-
- 18 sibilities on Federal lands.
- (c) Representatives of other organizations shall be in-
- 20 vited and encouraged to participate with the management
- 21 entity and in the development and implementation of the
- 22 management plan, including but not limited to: The State
- 23 Division of Parks and Outdoor Recreation; the State Divi-
- 24 sion of Mining, Land and Water; the Forest Service; the
- 25 State Historic Preservation Office; the Kenai Peninsula

1	Borough; the Municipality of Anchorage; the Alaska Rail-
2	road; the Alaska Department of Transportation; and the
3	National Park Service.
4	(d) Representation of ex-officio members in the non-
5	profit corporation shall be established under the bylaws
6	of the management entity.
7	SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT
8	ENTITY.
9	(a) Management Plan.—
10	(1) In General.—Not later than 3 years after
11	the Secretary enters into a cooperative agreement
12	with the management entity, the management entity
13	shall develop a management plan for the Heritage
14	Area, taking into consideration existing Federal,
15	State, borough, and local plans.
16	(2) Contents.—The management plan shall
17	include, but not be limited to—
18	(A) comprehensive recommendations for
19	conservation, funding, management, and devel-
20	opment of the Heritage Area;
21	(B) a description of agreements on actions
22	to be carried out by Government and private or-
23	ganizations to protect the resources of the Her-
24	itage Area;

1	(C) a list of specific and potential sources
2	of funding to protect, manage, and develop the
3	Heritage Area;
4	(D) an inventory of the resources con-
5	tained in the Heritage Area; and
6	(E) a description of the role and participa-
7	tion of other Federal, State, and local agencies
8	that have jurisdiction on lands within the Herit-
9	age Area.
10	(b) PRIORITIES.—The management entity shall give
11	priority to the implementation of actions, goals, and poli-
12	eies set forth in the cooperative agreement with the Sec-
13	retary and the heritage plan, including assisting commu-
14	nities within the region in—
15	(1) carrying out programs which recognize im-
16	portant resource values in the Heritage Area;
17	(2) encouraging economic viability in the af-
18	feeted communities;
19	(3) establishing and maintaining interpretive
20	exhibits in the Heritage Area;
21	(4) improving and interpreting heritage trails;
22	(5) increasing public awareness and apprecia-
23	tion for the natural, historical, and cultural re-
24	sources and modern resource development of the
25	Heritage Area;

- 1 (6) restoring historic buildings and structures
  2 that are located within the boundaries of the Herit3 age Area; and
- (7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

  (c) Public Meetings.—The management entity
- 8 shall conduct 2 or more public meetings each year regard-
- 9 ing the initiation and implementation of the management
- 10 plan for the Heritage Area. The management entity shall
- 11 place a notice of each such meeting in a newspaper of gen-
- 12 eral eirculation in the Heritage Area and shall make the
- 13 minutes of the meeting available to the public.

#### 14 SEC. 7. DUTIES OF THE SECRETARY.

- 15 (a) The Secretary, in consultation with the Governor
- 16 of Alaska, or his designee, is authorized to enter into a
- 17 cooperative agreement with the management entity. The
- 18 cooperative agreement shall be prepared with public par-
- 19 ticipation.
- 20 (b) In accordance with the terms and conditions of
- 21 the cooperative agreement and upon the request of the
- 22 management entity, and subject to the availability of
- 23 funds, the Secretary may provide administrative, tech-
- 24 nical, financial, design, development, and operations as-
- 25 sistance to carry out the purposes of this Act.

#### SEC. 8. SAVINGS PROVISIONS.

- 2 (a) REGULATORY AUTHORITY.—Nothing in this Act
- 3 shall be construed to grant powers of zoning or manage-
- 4 ment of land use to the management entity of the Herit-
- 5 age Area.
- 6 (b) EFFECT ON AUTHORITY OF GOVERNMENTS.—
- 7 Nothing in this Act shall be construed to modify, enlarge,
- 8 or diminish any authority of the Federal, State, or local
- 9 governments to manage or regulate any use of land as pro-
- 10 vided for by law or regulation.
- 11 (e) Effect on Business.—Nothing in this Act shall
- 12 be construed to obstruct or limit business activity on pri-
- 13 vate development or resource development activities.
- 14 SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROP-
- 15 **ERTY.**
- The management entity may not use funds appro-
- 17 priated to carry out the purposes of this Act to acquire
- 18 real property or interest in real property.
- 19 SEC. 10. AUTHORIZATION OF APPROPRIATIONS.
- 20 (a) First Year.—For the first year \$350,000 is au-
- 21 thorized to be appropriated to carry out the purposes of
- 22 this Act, and is made available upon the Secretary and
- 23 the management entity completing a cooperative agree-
- 24 ment.
- 25 (b) In General.—There is authorized to be appro-
- 26 priated not more than \$1,000,000 to earry out the pur-

- 1 poses of this Act for any fiscal year after the first year.
- 2 Not more than \$10,000,000, in the aggregate, may be ap-
- 3 propriated for the Heritage Area.
- 4 (e) MATCHING FUNDS.—Federal funding provided
- 5 under this Act shall be matched at least 25 percent by
- 6 other funds or in-kind services.
- 7 (d) Sunset Provision.—The Secretary may not
- 8 make any grant or provide any assistance under this Act
- 9 beyond 15 years from the date that the Secretary and
- 10 management entity complete a cooperative agreement.
- 11 SECTION 1. SHORT TITLE.
- 12 This Act may be cited as the "Kenai Mountains-
- 13 Turnagain Arm National Heritage Corridor Act of 2001".
- 14 SEC. 2. FINDINGS AND PURPOSES.
- 15 (a) FINDINGS.—Congress finds that—
- 16 (1) the Kenai Mountains-Turnagain Arm trans-
- 17 portation corridor is a major gateway to Alaska and
- includes a range of transportation routes used first by
- indigenous people who were followed by pioneers who
- settled the Nation's last frontier;
- 21 (2) the natural history and scenic splendor of the
- region are equally outstanding; vistas of nature's
- power include evidence of earthquake subsidence, re-
- 24 cent avalanches, retreating glaciers and tidal action

- along Turnagain Arm, which has the world's second
   greatest tidal range;
  - (3) the cultural landscape formed by indigenous people and then by settlement, transportation and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;
    - (4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;
    - (5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historic routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;
    - (6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;
  - (7) national Heritage Corridor designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic

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- routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;
  - (8) national Heritage Corridor designation also provides communities within the region with the motivation and means for "grass roots" regional coordination and partnerships with each other and with borough, State, and Federal agencies; and
  - (9) national Heritage Corridor designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Girdwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/ Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough,

1	the Kenai Peninsula Tourism Marketing Council, and
2	$the \ Anchorage \ Municipal \ Assembly.$
3	(b) Purposes.—The purposes of this Act are—
4	(1) to recognize, preserve, and interpret the his-
5	toric and modern resource development and cultural
6	landscapes of the Kenai Mountains-Turnagain Arm
7	historic transportation corridor, and to promote and
8	facilitate the public enjoyment of these resources; and
9	(2) to foster, through financial and technical as-
10	sistance, the development of cooperative planning and
11	partnerships among the communities and borough,
12	State, and Federal Government entities.
13	SEC. 3. DEFINITIONS
13 14	SEC. 3. DEFINITIONS  In this Act:
14	In this Act:
14 15	In this Act:  (1) HERITAGE CORRIDOR.—The term "Heritage"
14 15 16	In this Act:  (1) Heritage Corridor.—The term "Heritage Corridor" means the Kenai Mountains-Turnagain
14 15 16 17	In this Act:  (1) Heritage Corridor.—The term "Heritage Corridor" means the Kenai Mountains-Turnagain Arm National Heritage Corridor established by sec-
14 15 16 17	In this Act:  (1) Heritage Corridor.—The term "Heritage Corridor" means the Kenai Mountains-Turnagain Arm National Heritage Corridor established by section 4(a) of this Act.
114 115 116 117 118	In this Act:  (1) Heritage Corridor.—The term "Heritage Corridor" means the Kenai Mountains-Turnagain Arm National Heritage Corridor established by section 4(a) of this Act.  (2) Management entity.—The term "manage-
14 15 16 17 18 19 20	In this Act:  (1) Heritage Corridor.—The term "Heritage Corridor" means the Kenai Mountains-Turnagain Arm National Heritage Corridor established by section 4(a) of this Act.  (2) Management entity" means the 11 member Board of Directors.
14 15 16 17 18 19 20 21	In this Act:  (1) Heritage Corridor.—The term "Heritage Corridor" means the Kenai Mountains-Turnagain Arm National Heritage Corridor established by section 4(a) of this Act.  (2) Management entity" means the 11 member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor established by section 4(a) of this Act.

(3) Management plan.—The term "manage-
ment plan" means the management plan for the Her-
itage Corridor.
(4) Secretary.—The term "Secretary" means
the Secretary of the Interior.
SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL
HERITAGE CORRIDOR.
(a) Establishment.—There is established the Kenan
$Mountains-Turnagain\ Arm\ National\ Heritage\ Corridor.$
(b) Boundaries.—The Heritage Corridor shall com-
prise the lands ion the Kenai Mountains and upper
Turnagain Arm region generally depicted on the map enti-
tled "Kenai Peninsula/Turnagain Arm National Heritage
Corridor", numbered "Map #KMTA—1, and dated "Au-
gust 1999". The map shall be on file and available for pub-
lic inspection in the offices of the Alaska Regional Office
of the National Park Service and in the offices of the Alaska
State Heritage Preservation Officer.
SEC. 5. MANAGEMENT ENTITY.
(a) To carry out the purposes of this Act, the Secretary
shall enter into a cooperative agreement with the manage-
ment entity. The cooperative agreement shall be prepared
with public participation and shall include information re-

 $24\ \ lating\ to\ the\ objectives\ and\ management\ of\ the\ Heritage$ 

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25 Corridor, including the following:

1	(1) A discussion of the goals and objectives of the
2	Heritage Corridor.
3	(2) An explanation of the proposed approach to
4	conservation and interpretation of the Heritage Cor-
5	ridor.
6	(3) A general outline of the protection measures,
7	to which the management entity commits.
8	(b) Nothing in this Act authorizes the management en-
9	tity to assume any management authorities or responsibil-
10	ities on Federal lands.
11	(c) Representatives of other organizations shall be in-
12	vited and encouraged to participate with the management
13	entity and in the development and implementation of the
14	management plan, including but not limited to: The State
15	Division of Parks and Outdoor Recreation; the State Divi-
16	sion of Mining, Land and Water; the Forest Service; the
17	State Historic Preservation Office; the Kenia Peninsula
18	Borough, the Municipality of Anchorage; the Alaska Rail-
19	road, the Alaska Department of Transportation; and the
20	National Park Service.
21	SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTI-
22	TY.
23	(a) Management plan.—
24	(1) In general.—Not later than 3 years after
25	the Secretary enters into a cooperative agreement

1	with the management entity, the management entity
2	shall develop a management plan for the Heritage
3	Corridor, taking into consideration existing Federal,
4	State, borough, and local plans.
5	(2) Contents.—The management plan shall in-
6	clude, but not be limited to—
7	(A) comprehensive recommendations for
8	conservation, funding, management, and devel-
9	opment of the Heritage Corridor;
10	(B) a description of agreements on actions
11	to be carried out by public and private organiza-
12	tions to protect the resources of the Heritage Cor-
13	ridor;
14	(C) a list of specific and potential sources
15	of funding to protect, manage, and develop the
16	$Heritage\ Corridor;$
17	(d) an inventory of the known cultural and
18	historic resources contained in the Heritage Cor-
19	ridor; and
20	(E) a description of the role and participa-
21	tion of other Federal, State, and local agencies
22	that have jurisdiction on lands within the Herit-
23	age Corridor.
24	(b) Priorities.—The management entity shall give
25	priority to the implementation of actions, goals, and poli-

1	cies set forth in the cooperative agreement with the Sec-
2	retary and the management plan, including assisting com-
3	munities within the region in—
4	(1) carrying out programs which recognize im-
5	portant resource values in the Heritage Corridor;
6	(2) encouraging economic viability in the af-
7	fected communities;
8	(3) establishing and maintaining interpretive ex-
9	hibits in the Heritage Corridor;
10	(4) improving and interpreting heritage trails;
11	(5) increasing public awareness and apprecia-
12	tion for the natural, historical, and cultural resources
13	and modern resource development of the Heritage
14	Corridor;
15	(6) restoring historic buildings and structures
16	that are located within the boundaries of the Heritage
17	Corridor; and
18	(7) ensuring that clear, consistent, and appro-
19	priate signs identifying public access points and sites
20	of interest are placed throughout the Heritage Cor-
21	ridor.
22	(c) Public Meetings.—The management entity shall
23	conduct 2 or more public meetings each year regarding the
24	initiation and implementation of the management plan for
25	the Heritage Corridor. The management entity shall place

- 1 a notice of each such meeting in a newspaper of general
- 2 circulation in the Heritage Corridor and shall make the
- 3 minutes of the meeting available to the public.

#### 4 SEC. 7. DUTIES OF THE SECRETARY.

- 5 In accordance with the terms and conditions of the co-
- 6 operative agreement and upon the request of the manage-
- 7 ment entity, and subject to the availability of funds, the
- 8 Secretary may provide administrative, technical, financial,
- 9 design, development, and operations assistance to carry out
- 10 the purposes of this Act.

### 11 SEC. 8. SAVINGS PROVISIONS.

- 12 (a) Regulatory Authority.—Nothing in this Act
- 13 shall be construed to grant powers of zoning or management
- 14 of land use to the management entity of the Heritage Cor-
- 15 ridor.
- 16 (b) Effect on Authority of Governments.—Noth-
- 17 ing in this Act shall be construed to modify, enlarge, or
- 18 diminish any authority of the Federal, State, or local gov-
- 19 ernments to manage or regulate any use of land as provided
- 20 for by law or regulation.
- 21 (c) Effect on Business.—Nothing in this Act shall
- 22 be construed to obstruct or limit business activity on private
- 23 development or resource development activities.

## 1 SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROP-

- 2 ERTY.
- 3 The management entity may not use funds appro-
- 4 priated to carry out the purposes of this Act to acquire real
- 5 property or interest in real property.

#### 6 SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

- 7 (a) First Year.—For the first year \$350,000 is au-
- 8 thorized to be appropriated to carry our the purposes of
- 9 this Act, and is made available upon the Secretary and the
- 10 management entity entering into a cooperative agreement
- 11 as authorized in section 3.
- 12 (b) In General.—There is authorized to be appro-
- 13 priated not more than \$1,000,000 to carry out the purposes
- 14 of this Act for any fiscal year after the first year. Not more
- 15 than \$10,000,000, in the aggregate, may be appropriated
- 16 for the Heritage Corridor.
- 17 (c) Matching Funds.—Federal funding provided
- 18 under this Act shall be matched at least 25 percent by other
- 19 funds or in-kind services.
- 20 (d) Sunset Provision.—The Secretary may not make any
- 21 grant or provide any assistance under this Act beyond 15
- 22 years from the date that the Secretary and management en-
- 23 tity complete a cooperative agreement.

Amend the title so as to read: "To establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in the State of Alaska, and for other purposes.".

# Calendar No. 64

107TH CONGRESS 1ST SESSION S. 509

[Report No. 107-29]

# A BILL

To establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

June 5, 2001

Reported with an amendment and an amendment to the title